FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Amendment of Section 74.1231(i) of the Commission's Rules on FM Broadcast Booster Stations	)	RM-11854
	)	
Amendment of Section 74.1201 *et seq.* to Allow for FM Broadcast Booster Stations and FM Broadcast Translator Stations to Originate Programming	)	RM- 11858

To: Office of the Secretary
Attn: The Commission

BROADCASTERS FOR LIMITED PROGRAM ORIGINATION - COMMENTS AND PETITION FOR RULEMAKING

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May 4, 2020

SUMMARY

The Broadcasters for Limited Program Origination, comprising 24 FCC licensees owning 108 full service radio stations and 85 FM translators, support the FM booster rule-relaxation proposal of GeoBroadcast Solutions, LLC to lift on a limited basis the FCC's content restrictions on certain FM booster programming content embodied in Part 74, subpart L, of the Commission's rules. Further, the Broadcasters for Limited Program Origination advocate that the Notice of Proposed Rulemaking resulting from this proceeding should also propose that FM translator stations be allowed to originate limited programming content.

The Broadcasters for Limited Program Origination advocate that, to serve the public interest with increased program content diversity, FM booster and translator licensees should both be allowed to choose their own originated content categories rather than being restrained to the program categories advocated by GeoBroadcast Solutions, LLC. The same opportunity for limited program origination should also apply to paired AM stations and FM translators.

Recognizing that the FCC's new FM translator interference rules have re-defined the coverage contours of FM stations, the Broadcasters for Limited Program Origination advocate that those coverage contours should now apply to what is regarded as a fill-in station for the purposes of the FM translator rules.

Finally, the Broadcasters for Limited Program Origination ask that the Commission change the FM translator rules to designate four-letter call signs with the suffix "-FX" for FM translator stations that originate limited programming content.

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BROADCASTERS FOR LIMITED PROGRAM ORIGINATION - COMMENTS AND PETITION FOR RULEMAKING

The undersigned radio broadcasters (hereafter, the "Broadcasters for Limited Program Origination"), comprising 24 FCC licensees owning 108 full service radio stations and 85 FM translators,[1] in response to *Public Notice Report No. 3145*, released April 2, 2020, hereby submit these Comments and Petition for Rulemaking responding to the GeoBroadcast Solutions, LLC (hereafter "GeoBroadcast Solutions") March 13, 2020 Petition for Rulemaking (the "Petition for Rulemaking"). The following is submitted:

INTRODUCTION

1. GeoBroadcast Solutions seeks a relaxation of the FM booster program origination rules in Section 74.1231(i) of the Commission's rules in order to originate a

[1] *See* Signature blocks for the listing of the 24 licensees, 108 full service radio stations and 85 FM translators.

limited amount of different programming on FM booster stations from that broadcast on the primary station. The Broadcasters for Limited Program Origination support that concept of a limited relaxation of the FCC's program origination rules for FM booster stations.

2. The Broadcasters for Limited Program Origination ask, however, that the Commission not simply consider a narrow content-related rule change that will benefit solely GeoBroadcast Solutions. Rather, the Broadcasters for Limited Program Origination believe the Commission should consider allowing limited program content origination for both FM booster and FM translator stations, without the FCC restricting the categories or content of the programming. This opportunity for limited program content origination should also be extended to AM stations that are paired with FM translators.

3. In addition, to better serve radio station coverage areas, particularly as those coverage areas are now defined as the 45 dBμ contour[2], the Broadcasters for Limited Program Origination seek a modification to make uniform the definition of a "coverage contour ", contained in Sections 74.1201(g), (h) and (i) of the Commission's rules, to be a station's 45 dBμ contour. Finally, the Broadcasters for Limited Program Origination seek the designation of four-letter call signs with the suffix "-FX" for FM translators that originate limited programming content. In order to consider these FM booster and translator rule changes, the Broadcasters for Limited Program Origination seek a notice

[2] *See Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference, Report and Order,* MB Docket No. 18-119, FCC 19-40 (rel. May 9, 2019) ("*FM Translator Interference Report and Order*").

of proposed rulemaking combining the GeoBroadcast Solutions proposal with this rulemaking proposal.

LIMITED PROGRAM ORIGINATION FOR FM BOOSTERS AND TRANSLATORS

4. GeoBroadcast Solutions seeks an exemption in the FM booster retransmission rules for specifically defined content: "advertisements, promotions … and hyper-localized content". The Broadcasters for Limited Program Origination do not believe that the FCC should get into the business of parsing radio station content as to whether it is a "promotion", "hyper-localized" or an "advertisement". In addition, such dictated categories of programming in the FCC's rules would raise First Amendment concerns over government labeling of content. The Broadcasters for Limited Program Origination believe that individual broadcasters should each have the opportunity with the GeoBroadcast Solutions system, and any other future system, to make their own decisions as to what content merits separate programming for FM boosters.

5. Likewise, for the FM translator retransmission rules, the Broadcasters for Limited Program Origination believe that if there is to be a limited program content origination exemption for FM boosters, the same should exist for FM translators. Accordingly, in order to better serve radio audiences, the Broadcasters for Limited Program Origination seek a uniform FCC rule change for both FM boosters and FM translators to allow each to originate programming content provided that the primary station is retransmitted for no fewer than 40 hours in any calendar week.

6. For FM boosters, the Broadcasters for Limited Program Origination advocate that rather than restrict new uses of FM booster stations to the GeoBroadcast Solutions content-specific programming, an FM booster station (or an FM translator station) should be able to split off programming whenever such split programming content serves its listening audience, provided the primary station continues to be rebroadcast on the FM booster no fewer than forty-hours in any calendar week.

7. The Broadcasters for Limited Program Origination advocate that Section 74.1231(i) of the Commission's rules should be amended as follows:

> (i) FM broadcast booster stations provide a means whereby the licensee of an FM broadcast station may provide service to areas in any region within the primary station's predicted, authorized service contours, either retransmitting the signals of its primary station or making independent transmissions of programming content, provided that its primary station is retransmitted no less than forty-hours in any calendar week, in order to provide radio broadcast service to the public.[3]

If the technical capability now exists for GeoBroadcast Solutions technology for different programming to serve different parts of a station's service area, primary station licensees should be allowed to use FM boosters for that purpose of providing more localized or listener-desired content no matter whether it be advertisements or entertainment programming. The FCC's FM booster rules should not restrict the broadcasting of either.

8. Likewise, the origination of programming content should be authorized for FM translator stations by amending the definition of "FM translator" contained in Section

[3] *See* Appendix A for the deletions and additions.

74.1201(a), (b) and (c) of the Commission's rules as follows, provided the primary station is retransmitted no fewer than forty-hours in any calendar week:

> (a) *FM translator.* A station in the broadcasting service authorized under the provisions of this Subpart L operated for the purpose of retransmitting the signals of an AM or FM radio broadcast station or another FM broadcast translator station without significantly altering any characteristics of the incoming signal other than its frequency and amplitude, or originating programming content provided its primary station is retransmitted no less than forty-hours in any calendar week, in order to provide radio broadcast service to the general public.
>
> (b) *Commercial FM translator.* An FM broadcast translator station which rebroadcasts the signals of a commercial AM or FM radio broadcast station, or which operates in the non-reserved FM band and originates programming content provided its primary station is retransmitted no less than forty-hours in any calendar week.
>
> (c) *Noncommercial FM translator.* An FM broadcast translator station which rebroadcasts the signals of a noncommercial educational AM or FM radio broadcast station, or which operates in the reserved FM band and originates non-commercial educational programming content in accord with Part 73, Subpart D, provided its primary station is retransmitted no less than forty-hours in any calendar week.[4]

As with FM booster stations, the FCC should not restrict FM translator licensees in their programming content decisions. Some radio stations may choose to broadcast different localized advertisements. Others may broadcast localized city council meetings for two or more communities in their coverage areas. The broadcast of multiple localized high school sports games may be what serves a particular station's listeners. Another station

[4] *See* Appendix A for the deletions and additions.

may broadcast two different kinds of ethnic entertainment programming at certain times of the day.

9. As a consequence of this definitional change in Section 74.1201(a), certain conforming changes must also be made to Section 74.1231(a) of the Commission's rules. Section 74.1231(a) of the Commission's rules is proposed to be amended as follows:

> (a) FM translators provide a means whereby the signals of AM or FM broadcast stations may be retransmitted to areas in which direct reception of such AM or FM broadcast stations is unsatisfactory due to distance or intervening terrain barriers, and a means for AM Class D stations to continue operating at night, and a means for originating programming content provided its primary station is retransmitted no less than forty-hours in any calendar week, in order to provide radio broadcast service to the public.[5]

FM COVERAGE CONTOUR CONFORMANCE FOR FM TRANSLATORS

10. The FCC in its recent *FM Translator Interference Report and Order* set a new standard for the coverage contour of all FM stations as the 45 dBμ contour in relation to FM translator stations.[6] The recognition that FM radio stations have listeners out to, and their coverage contours extend out to, the 45 dBμ contour, should be now recognized in this proceeding to allow FM translators to better serve the listening public. In addition, the rule should be conformed to the AM rule with the 25-mile radius alternative. Sections 74.1201(g) – (j) of the FCC's rules should be amended to specify the FM station coverage contour as used in Subpart L as follows:

> (g) *Translator coverage contour.* For a fill-in FM translator rebroadcasting an FM radio broadcast station as its primary

[5] *See* Appendix A for the deletions and additions.

[6] *See FM Translator Interference Report and Order* at para. 36-48.

> station, the FM translator's protected contour must be contained within the primary station's coverage contour. For purposes of this Subpart L, the coverage contour of all FM stations is the greater of either the predicted 45 dBμ contour or a 25-mile (40 km) radius centered at the FM transmitter site. The protected contour of an FM translator rebroadcasting an AM radio broadcast station as its primary station must be contained within the greater of either the 2 mV/m daytime contour of the AM station or a 25-mile (40 km) radius centered at the AM transmitter site. The protected contour for an FM translator station is its predicted 1 mV/m contour.
>
> (h) *Fill-in area.* The area where the protected contour of an FM booster station is within the protected contour of the associated primary station (*i.e.*, predicted 0.5 mV/m contour for commercial Class B stations, predicted 0.7 mV/m contour for commercial Class B1 stations, and predicted 1 mV/m contour for all other classes of stations), or the area where the protected contour of an FM translator station is within the coverage contour of the FM primary station.
>
> (i) *Other area.* The area where the protected contour of an FM translator station extends beyond the coverage contour of the FM primary station.
>
> (j) *AM Fill-in area.* The area within the greater of either the 2 mV/m daytime contour of the AM radio broadcast station being rebroadcast or a 25-mile (40 km) radius centered at the AM transmitter site.[7]

As a consequence of this change in Sections 74.1201(g)-(j), certain conforming changes must also be made to 74.1232(d) and (e) as follows:

> (d) An authorization for an FM translator whose protected contour as defined in §74.1201(g) extends beyond the coverage contour of the commercial primary station will not be granted to the licensee or permittee of a commercial FM radio broadcast station. Similarly, such authorization will not be granted to any person or entity having any interest whatsoever, or any connection with a primary FM station.

[7] *See* Appendix A for the deletions and additions.

Interested and connected parties extend to group owners, corporate parents, shareholders, officers, directors, employees, general and limited partners, family members and business associates. The coverage contour shall be as predicted in accordance with §73.313(a) through (d) of this chapter. In the case of an FM radio broadcast station authorized with facilities in excess of those specified by §73.211 of this chapter, a co-owned commercial FM translator will only be authorized within the coverage contour of the class of station being rebroadcast, as predicted on the basis of the maximum powers and heights set forth in that section for the applicable class of FM broadcast station concerned. An FM translator station in operation prior to March 1, 1991, which is owned by a commercial FM (primary) station and whose protected contour extends beyond the coverage contour of the primary station, may continue to be owned by such primary station until March 1, 1994. Thereafter, any such FM translator station must be owned by independent parties. An FM translator station in operation prior to June 1, 1991, which is owned by a commercial FM radio broadcast station and whose protected contour extends beyond the coverage contour of the primary station, may continue to be owned by a commercial FM radio broadcast station until June 1, 1994. Thereafter, any such FM translator station must be owned by independent parties. An FM translator providing service to an AM fill-in area will be authorized only to the permittee or licensee of the AM radio broadcast station being rebroadcast, or, in the case of an FM translator authorized to operate on an unreserved channel, to a party with a valid rebroadcast consent agreement with such a permittee or licensee to rebroadcast that station as the translator's primary station. In addition, any FM translator providing service to an AM fill-in area must have been authorized by a license or construction permit in effect as of May 1, 2009, or pursuant to an application that was pending as of May 1, 2009. A subsequent modification of any such FM translator will not affect its eligibility to rebroadcast an AM signal.

(e) An FM translator station whose protected contour goes beyond the coverage contour of the commercial primary station shall not receive any support, before or after

> construction, either directly or indirectly, from the commercial primary FM radio broadcast station.[8] …

PAIRED AM STATIONS AND LIMITED PROGRAM ORIGINATION

11. Many AM stations had an FM translator granted as part of *Revitalization of the AM Radio Service*[9] with condition that the stations remain paired. An amendment to the rules is also requested to allow such paired FM translators to originate limited programming separate from the AM station, provided that the AM station continues daily operations on the air. The Broadcasters for Limited Program Origination propose to amend Section 74.1231(h) of the Commission's rules for AM stations paired with FM translators as follows:

> (h) An FM translator station that was licensed as paired with an AM radio broadcast station as its primary station for a specified time period or in perpetuity, must continue daily operations of that AM station for as long as the FM translator station is on the air and paired under the FM translator authorization, but irrespective of any condition stating otherwise on its authorization, the FM translator may originate programming content different than that carried on the primary station, provided that its primary station is retransmitted no less than forty-hours in any calendar week.[10]

12. The Broadcasters for Limited Program Origination note that the purpose of *Revitalization of the AM Radio Service* was not to institute FM translator service. Rather, its purpose was to preserve and revitalize AM radio service. Allowing AM radio station licensees to originate separate limited content on associated FM translators, either for

[8] *See* Appendix A for the deletions and additions.

[9] *See generally Revitalization of the AM Radio Service*, 32 FCC Rcd 2775 (2017) and citations within.

[10] *See* Appendix A for the deletions and additions.

various dayparts or other time periods (in the same way that AM daytime-only stations may continue to broadcast at night on an FM translator) based upon a licensee's perception of market conditions and what listeners desire, does not diminish the service to the public provided by AM stations but rather enhances it, provided that its primary station is retransmitted no fewer than forty-hours in any calendar week.

FOUR LETTER CALL SIGNS WITH AN "-FX" FOR FM TRANSLATORS

13. Finally, FM translators originating programming will be serving listening audiences just like any other broadcast station. Therefore, the Broadcasters for Limited Program Origination request an amendment to the FM translator rules to allow for the designation of four-letter call signs with an "-FX" suffix for FM translator stations originating programming. The Broadcasters for Limited Program Origination propose to amend Section 74.1283(a) of the Commission's rules for FM translator call signs as follows:

> (a) The call sign of an FM broadcast translator station not originating programming content will consist of the initial letter K or W followed by the channel number assigned to the translator and two letters. The use of the initial letter will generally conform to the pattern used in the broadcast service. The two letter combinations following the channel number will be assigned in order and requests for the assignment of particular combinations of letters will not be considered. The call sign of an FM broadcast translator station originating programming content may upon request of the licensee be a four-letter call sign with an initial letter generally conforming to the pattern used in the broadcast service and followed by an "-FX" suffix, in lieu of the letter and channel number combinations described above.[11]

[11] *See* Appendix A for the deletions and additions.

CONCLUSION

14. The Commission has long encouraged diverse programming content, whether it be from broadcast television or broadcast radio.[12] This is why the Broadcasters for Limited Program Origination are asking for rule changes to allow for limited program origination on both FM translator stations and FM booster stations. The Broadcasters for Limited Program Origination, along with GeoBroadcast Solutions and many others, desire to provide additional programming and content services to their communities.

15. The GeoBroadcast Solutions Petition for Rulemaking and these Comments and Petition for Rulemaking are an opportunity for the Commission to amend its rules to do what GeoBroadcast Solutions seeks – to allow FM booster stations to originate whatever content and programming the licensees of the booster stations best believe would serve their listening audiences, for a limited portion of the broadcast day without eviscerating the purpose of FM booster stations. And if FM booster stations are allowed that regulatory easing on content choice, then so also should FM translator stations be equally allowed to choose whatever programming their licensees best think would serve their listening audiences for limited portions of the broadcast day.

16. The Broadcasters for Limited Program Origination take no position as to whether the GeoBroadcast Solutions technical proposal to broadcast different

[12] The FCC in its 2010/14 quadrennial review according to the FCC, "promote[d] competition and a diversity of viewpoints in local markets, thereby enriching local communities through the promotion of distinct and antagonistic voices" by largely retaining the rules restricting common ownership. *Second Report & Order, 2014 Quadrennial Regulatory Review*, 31 FCC Rcd. 9864 (2016), cited in *Prometheus Radio Project v. FCC*, 939 F.3d 567 (3d Cir. 2019).

programming on the same FM frequency within a full-service FM station's service area, is wise as a radio listener reception matter. Indeed, such concurrent broadcasting of different content on the same frequency within the same service area may be an interference disaster.

17. Rather, the Broadcasters for Limited Program Origination are seeking to provide diverse programming over FM translator and booster radio facilities without the FCC's heavy thumb restricting their choice of content. If GeoBroadcast Solutions origination of limited separate programming on same-channel booster stations is acceptable as a regulatory matter, then so should be the origination of limited separate programming on FM translator stations.

18. The Broadcasters for Limited Program Origination ask that the Commission move forward with a notice of proposed rulemaking to allow for the limited origination of programming for all FM translator and booster stations.

Respectfully submitted,

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May 4, 2020

APPENDIX A

Proposed Changes to Part 74, Subpart L—FM Broadcast Translator Stations and FM Broadcast Booster Stations

Cross-outs indicate proposed deletions, and double-underlined indicates proposed additions.

§74.1201 Definitions.

(a) *FM translator.* A station in the broadcasting service authorized under the provisions of this Subpart L operated for the purpose of retransmitting the signals of an AM or FM radio broadcast station or another FM broadcast translator station without significantly altering any characteristics of the incoming signal other than its frequency and amplitude, or originating programming content provided its primary station is retransmitted no fewer than forty-hours in any calendar week, in order to provide radio broadcast service to the general public.

(b) *Commercial FM translator.* An FM broadcast translator station which rebroadcasts the signals of a commercial AM or FM radio broadcast station, or which operates in the non-reserved FM band and originates programming content provided its primary station is retransmitted no fewer than forty-hours in any calendar week.

(c) *Noncommercial FM translator.* An FM broadcast translator station which rebroadcasts the signals of a noncommercial educational AM or FM radio broadcast station, or which operates in the reserved FM band and originates non-commercial educational programming content in accord with Part 73, Subpart D, provided its primary station is retransmitted no fewer than forty-hours in any calendar week.

...

(f) *FM broadcast booster station.* A station in the broadcasting service operated for the ~~sole~~ primary purpose of retransmitting the signals of an FM radio broadcast station, by amplifying and reradiating such signals, without significantly altering any characteristic of the incoming signal other than its amplitude.

(g) *Translator coverage contour.* For a fill-in FM translator rebroadcasting an FM radio broadcast station as its primary station, the FM translator's ~~coverage~~ protected contour must be contained within the primary station's coverage contour. For purposes of this ~~rule section~~Subpart L, the coverage contour of ~~the FM translator has the same field strength value as the protected contour of the primary FM station (*i.e.*, for a commercial Class B FM station it is the predicted 0.5 mV/m field strength contour, for a commercial~~

~~Class B1 FM station it is the predicted 0.7 mV/m field strength contour, and for all other classes of FM stations it is the predicted 1 mV/m field strength contour). The coverage~~ all FM stations is the greater of either the predicted 45 dBμ contour or a 25-mile (40 km) radius centered at the FM transmitter site. The protected contour of an FM translator rebroadcasting an AM radio broadcast station as its primary station must be contained within the greater of either the 2 mV/m daytime contour of the AM station or a 25-mile (40 km) radius centered at the AM transmitter site. The protected contour for an FM translator station is its predicted 1 mV/m contour.

(h) *Fill-in area.* The area where the ~~coverage~~ protected contour of an FM ~~translator or~~ booster station is within the protected contour of the associated primary station (*i.e.*, predicted 0.5 mV/m contour for commercial Class B stations, predicted 0.7 mV/m contour for commercial Class B1 stations, and predicted 1 mV/m contour for all other classes of stations), or the area where the protected contour of an FM translator station is within the coverage contour of the FM primary station.

(i) *Other area.* The area where the ~~coverage~~ protected contour of an FM translator station extends beyond the ~~protected~~ coverage contour of the FM primary station ~~(*i.e.*, predicted 0.5 mV/m contour for commercial Class B stations, predicted 0.7 mV/m contour for commercial Class B1 stations, and predicted 1 mV/m contour for all other classes of stations)~~.

(j) *AM Fill-in area.* The area within the ~~lesser of~~ greater of either the 2 mV/m daytime contour of the AM radio broadcast station being rebroadcast ~~and~~ or a 25-mile (40 km) radius centered at the AM transmitter site.

…

§74.1231 Purpose and permissible service.

(a) FM translators provide a means whereby the signals of AM or FM broadcast stations may be retransmitted to areas in which direct reception of such AM or FM broadcast stations is unsatisfactory due to distance or intervening terrain barriers, and a means for AM Class D stations to continue operating at night, and a means for originating programming content provided its primary station is retransmitted no fewer than forty-hours in any calendar week, in order to provide radio broadcast service to the public.

…

(h) An FM translator station that ~~rebroadcasts a Class D~~ was licensed as paired with an AM radio broadcast station as its primary station for a specified time period or in perpetuity, must continue daily operations of that AM station for as long as the FM

translator station is on the air and paired under the FM translator authorization, but irrespective of any condition stating otherwise on its authorization, the FM translator may originate programming ~~during the hours~~ content different than that carried on the primary station ~~is not operating, subject to the provisions of §74.1263(b) of this part~~, provided that its primary station is retransmitted no fewer than forty-hours in any calendar week.

(i) FM broadcast booster stations provide a means whereby the licensee of an FM broadcast station may provide service to areas in any region within the primary station's predicted, authorized service contours~~. An FM broadcast booster station is authorized to retransmit only~~ , either retransmitting the signals of its primary station ~~which have been received directly through space and suitably amplified, or received by alternative signal delivery means including, but not limited to, satellite and terrestrial microwave facilities. The FM booster station shall not retransmit the signals of any other station nor make~~ or making independent transmissions~~, except that locally generated signals may be used to excite the booster apparatus for the purpose of conducting tests and measurements essential to the proper installation and maintenance of the apparatus~~ of programming content, provided that its primary station is retransmitted no fewer than forty-hours in any calendar week, in order to provide radio broadcast service to the public.

…

§74.1232 Eligibility and licensing requirements.

(d) An authorization for an FM translator whose ~~coverage~~ protected contour as defined in §74.1201(g) extends beyond the ~~protected~~ coverage contour of the commercial primary station will not be granted to the licensee or permittee of a commercial FM radio broadcast station. Similarly, such authorization will not be granted to any person or entity having any interest whatsoever, or any connection with a primary FM station. Interested and connected parties extend to group owners, corporate parents, shareholders, officers, directors, employees, general and limited partners, family members and business associates. ~~For the purposes of this paragraph, the protected contour of the primary station shall be defined as follows: the predicted 0.5mV/m contour for commercial Class B stations, the predicted 0.7 mV/m contour for commercial Class B1 stations and the predicted 1 mV/m field strength contour for all other FM radio broadcast stations. The contours~~ The coverage contour shall be as predicted in accordance with §73.313(a) through (d) of this chapter. In the case of an FM radio broadcast station authorized with facilities in excess of those specified by §73.211 of this chapter, a co-owned commercial FM translator will only be authorized within the ~~protected~~ coverage contour of the class of station being rebroadcast, as predicted on the basis of the maximum powers and heights set forth in that section for the applicable class of FM broadcast station concerned. An FM translator station in operation prior to March 1, 1991, which is owned by a commercial FM (primary) station and whose ~~coverage~~ protected contour extends beyond the ~~protected~~ coverage contour of the primary station, may continue to be owned

by such primary station until March 1, 1994. Thereafter, any such FM translator station must be owned by independent parties. An FM translator station in operation prior to June 1, 1991, which is owned by a commercial FM radio broadcast station and whose ~~coverage~~ protected contour extends beyond the ~~protected~~ coverage contour of the primary station, may continue to be owned by a commercial FM radio broadcast station until June 1, 1994. Thereafter, any such FM translator station must be owned by independent parties. An FM translator providing service to an AM fill-in area will be authorized only to the permittee or licensee of the AM radio broadcast station being rebroadcast, or, in the case of an FM translator authorized to operate on an unreserved channel, to a party with a valid rebroadcast consent agreement with such a permittee or licensee to rebroadcast that station as the translator's primary station. In addition, any FM translator providing service to an AM fill-in area must have been authorized by a license or construction permit in effect as of May 1, 2009, or pursuant to an application that was pending as of May 1, 2009. A subsequent modification of any such FM translator will not affect its eligibility to rebroadcast an AM signal.

(e) An FM translator station whose ~~coverage~~ protected contour goes beyond the ~~protected~~ coverage contour of the commercial primary station shall not receive any support, before or after construction, either directly or indirectly, from the commercial primary FM radio broadcast station. …

§74.1283 Station identification.

(a) The call sign of an FM broadcast translator station not originating programming content will consist of the initial letter K or W followed by the channel number assigned to the translator and two letters. The use of the initial letter will generally conform to the pattern used in the broadcast service. The two letter combinations following the channel number will be assigned in order and requests for the assignment of particular combinations of letters will not be considered. The call sign of an FM broadcast translator station originating programming content may upon request of the licensee be a four-letter call sign with an initial letter generally conforming to the pattern used in the broadcast service and followed by an "-FX" suffix, in lieu of the letter and channel number combinations described above.